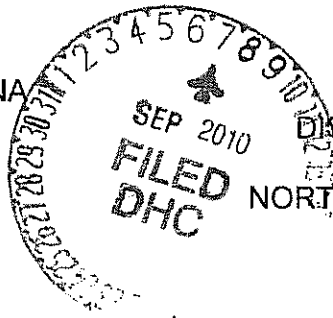


STATE OF NORTH CAROLINA
WAKE COUNTY



BEFORE THE
DISCIPLINARY HEARING
COMMISSION
NORTH CAROLINA STATE BAR
10 DHC 28

THE NORTH CAROLINA STATE BAR,

Plaintiff,

vs.

KELTON T. BROWN, Attorney,

Defendant.

ANSWER

NOW COMES the defendant, answering the Complaint of the plaintiff, alleges and says:

1. The allegations contained in paragraph 1 of plaintiff's Complaint are admitted.
2. The allegations contained in paragraph 2 of plaintiff's Complaint are admitted. However, defendant believed that he had provided all information to the Bar and that he was reinstated as of January 7, 2009.
3. The allegations contained in paragraph 3 of plaintiff's Complaint are admitted.

FIRST CLAIM FOR RELIEF

4. Defendant admits that he represented the Winstead's as a result of two automobile accidents which occurred in the same week. Defendant further admits that one of the two accidents occurred on May 15, 2006.
5. Defendant admits that he received \$13,300.00 in settlement proceeds in relation to the Winstead's first accident, which proceeds were deposited into his trust account.
6. The allegations contained in paragraph 6 of plaintiff's Complaint are admitted.
7. The allegations contained in paragraph 7 of plaintiff's Complaint are admitted.

8. The allegations contained in paragraph 8 of plaintiff's Complaint are denied.
9. The defendant is without sufficient information with which to form a belief as to the truth of the allegations contained in paragraph 9. As such, said allegations are denied.
10. Defendant admits that none of the checks or other withdrawals from his trust account during the relevant period correspond to the amounts listed in paragraph 6. However, defendant denies that the Winstead's did not receive all sums due pursuant to the settlement.
11. The allegations contained in paragraph 11 of plaintiff's Complaint are admitted.
12. The allegations contained in paragraph 12 of plaintiff's Complaint are denied.
13. Defendant admits that he deposited \$6,765.00 from his trust account into his operating account. However, he denies that he was not authorized to do so at the time of said deposits.
14. The defendant is without sufficient information with which to form a belief as to the truth of the allegations contained in paragraph 14. As such, said allegations are denied.
15. The allegations contained in paragraph 15 of plaintiff's Complaint are admitted.
16. The allegations contained in paragraph 16 of plaintiff's Complaint are admitted.

THEREFORE, having answered the First Claim for Relief, the defendant denies violating the Revised Rules of Professional Conduct, as alleged in paragraphs (a) through (c) of said claim.

SECOND CLAIM FOR RELIEF

17. The defendant hereby adopts, repeats, and realleges herein by reference each and all of her answers contained in paragraphs 1 through 16 of plaintiff's Complaint and hereby incorporates said answers herein by reference as if herein fully set forth.
18. The allegations contained in paragraph 18 of plaintiff's Complaint are admitted.

19. The allegations contained in paragraph 19 of plaintiff's Complaint are admitted.
20. It is admitted that defendant did not have all bank records requested by the SCA. As such, he executed an authorization for the State Bar to obtain records from his bank in order to complete the audit. Any remaining allegations contained in paragraph 20 are denied.
21. Defendant admits that he met several times with Bar investigators and that he provided all information in his possession related to the SCA. Any remaining allegations contained in paragraph 21 are denied.
22. The defendant is without sufficient information with which to form a belief as to the truth of the allegations contained in paragraph 22. As such, said allegations are denied.
23. Defendant admits the allegations of paragraph 23(a), except that he maintained copies of some of the certified checks which were drawn on his trust account. Defendant denies the allegations contained in paragraph 23(b). Defendant admits the allegations contained in paragraph 23(c). Defendant admits the allegations contained in paragraph 23(d).

THEREFORE, having answered the First and Second Claims for Relief, the defendant denies violating the Revised Rules of Professional Conduct, as alleged in paragraphs (a) and (b) of said claim.

THIRD CLAIM FOR RELIEF

24. The defendant hereby adopts, repeats, and realleges herein by reference each and all of her answers contained in paragraphs 1 through 23 of plaintiff's Complaint and hereby incorporates said answers herein by reference as if herein fully set forth.
25. Defendant admits the allegations contained in paragraph 25. However, he believed that he had provided all information necessary to the Bar and that his license had been reinstated as of January 7, 2009.
26. The allegations contained in paragraph 26 of plaintiff's Complaint are admitted.
27. The allegations contained in paragraph 27 of plaintiff's Complaint are admitted.
28. The allegations contained in paragraph 28 of plaintiff's Complaint are

admitted. However, the defendant did not believe during said period of time that his license remained administratively suspended.

29. The allegations contained in paragraph 29 of plaintiff's Complaint are admitted.
30. The allegations contained in paragraph 31 of plaintiff's Complaint are admitted.
31. The allegations contained in paragraph 31 of plaintiff's Complaint are admitted.
32. Defendant admits that when he became aware that his license remained administratively suspended that he apprised the Federal Court of this fact and that the Mr. Smith's plea was set aside.
33. The allegations contained in paragraph 33 of plaintiff's Complaint are denied.
34. Defendant denies that he knowingly made false representations to DOC officials during the time period outlined, as he believed that his license had been reinstated as of January 7, 2009.

THEREFORE, having answered the First, Second and Third Claims for Relief, the defendant denies violating the Revised Rules of Professional Conduct, as alleged in paragraphs (a) through (c) of said claim.

WHEREFORE, having answering the like numbered paragraphs of the plaintiff, the defendant respectfully requests that the Complaint of the plaintiff be dismissed, with prejudice, and that the North Carolina State Bar be denied any disciplinary action as a result of the allegations contained in the Complaint.

This the 3rd day of September, 2010.

CRUMPLER FREEDMAN PARKER & WITT

Attorneys for the Defendant



Dudley A. Witt

State Bar #: 11155

301 N. Main Street, Suite 700

Winston-Salem, NC 27101

Tel. No.: 336-725-1304

STATE OF NORTH CAROLINA

WAKE COUNTY

BEFORE THE
DISCIPLINARY HEARING
COMMISSION
NORTH CAROLINA STATE BAR
10 DHC 28

THE NORTH CAROLINA STATE BAR,

Plaintiff,

vs.

KELTON T. BROWN, Attorney,

Defendant.


CERTIFICATE OF SERVICE

The undersigned hereby certifies that he is an attorney at law licensed to practice in the State of North Carolina, is attorney for the defendant and is a person of such age and discretion as to be competent to serve process.

That on the 3rd day of September, 2010, he served a copy of the attached **ANSWER** by placing said copy in a postpaid envelope addressed to the person hereinafter named, at the place and address stated below, which is the last known address, and by depositing said envelope and its contents in the United States Mail at Winston-Salem, North Carolina.

ADDRESSEE: Mrs. Carmen Hoyme Bannon
The North Carolina State Bar
PO Box 25908
Raleigh, NC 27611

CRUMPLER FREEDMAN PARKER & WITT
Attorneys for the Defendant



Dudley A. Witt
State Bar #: 11155
301 North Main Street, Suite 700
Winston-Salem, NC 27101
Tel. No.: (336) 725-1304